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Office of Enforcement
Compliance & Environmental Justice

Terrance Gileo Faye, Esq. 1 North Maple Avenue Greensburg, PA 15601 Phone: 724-837-6221

Cell: 724-875-2269

E-mail: tgfaye@comcast.net

January 28, 2018

U.S. Environmental Protection Agency, Region 8

Via Overnight Mail

Attn: Mike Rudy, (8ENF-RC) 1595 Wynkoop Street Denver, Colorado 80202-1129

U.S. Environmental Protection Agency, Region 8

Via E-mail Transmittal

Attn: Richard Sisk, Esq. (8ENF-L) 1595 Wynkoop Street

Denver, Colorado 80202-1129

Re: Request For Information Pursuant to Section 104 of CERCLA
Bonita Peak Mining District Site, San Jan County, Colorado (SSID #A8-5M)
(the BPMD Site or the Site)

Dear Mr. Rudy and Mr. Sisk:

On behalf of Blue Tee Corp. (hereinafter Blue Tee or the Respondent) this letter and document production is sent to you to respond to the November 20, 2017 Request for Information Pursuant to Section 104 (e) of CERCLA (hereinafter the Request and the Response). The Request was received by the Respondent on November 28, 2017, and based upon agreement with Mr. Sisk, Blue Tee herein timely presents this Response on January 28, 2018.

General Response:

By way of general response, Blue Tee provides this general information concerning the Bonita Peak Mining District (District as that term is defined in the Request). This information is provided by Terrance Gileo Faye, Esq. based upon a review of documents reasonably believed to contain accurate historic information about American Zinc Lead & Smelting Company (American Zinc). It is clear from the information obtained that American Zinc had limited involvement with the District, but that involvement was extremely insignificant. Only one page from the Daniel R. Stewart August 1991 Preliminary Compilation Mining Properties in the United States Operated by Companies Controlled By Consolidated Gold Fields, Limited specifically references the Koehler-San Antonio mine. It shows the years of exploration, development and/or operation of the mine as 1946 – 1948. All other documents reviewed and

produced speak generally about the Ouray District and report that all activity in the Ouray District was discontinued by 1952 and all equipment and land holdings sold by 1955.

The first mention of the Ouray District was in the December 31, 1946 Annual Report of American Zinc. In that report, mention is made of the acquisition of several promising mining claims and a milling operation in the Ouray District. No specific mines are named. In Ouray, it was anticipated that American Zinc would complete construction of a custom mill, which would have the capacity of 200 tons per day. It was originally believed that the mill would "take care of the company mine production and such tonnage of custom ore as is available from the surrounding properties." However, the results of the development work did not meet expectations. In fact, the operating results of 1946 from all acquired claims showed a loss of \$70,882.99.

In 1947, exploratory development continued and the Ouray custom mill was completed. However, the results of the development work did not meet expectations.

In 1948, it was reported that "the mill was not operated at capacity" and that the "development results in this territory to date have been disappointing."

In 1949, the trend continued and it was reported that "Search for ores in the Ouray, Colorado, [sic] district failed to disclose any substantial tonnage of commercial ore. We are continuing to operate a custom mill. Our development program has been materially reduced."

In 1950, it was reported that development activities would again be resumed during the second quarter of 1951. However, this was not the case. In the Executive Committee Meeting Minutes (a copy of which was included in the July 15, 2009 Section 104 (e) response for the Ouray Site SSID #08-PQ, herein referred to as the Ouray Response), it was reported by the president that "there is a possibility that a sale could be arranged for the custom mill at Ouray, Colorado, at an estimated price of approximately \$300,000. A motion to authorize such a sale was passed. However, such sale did not occur.

By letter dated September 27, 1952, the president wrote to members of the Executive Committee recommending a program for the liquidation of the Ouray, Colorado operations. The program included the cancellation of all custom mill contracts, the cancellation of all mining leases and options, the disposal of all claims owned in fee, and the sale of the concentrating plant in its condition at that time, with the understanding that it would be removed from the property within six months. In 1952, it was reported that "due to prevailing low metal prices and failure to develop new ore reserves in the Ouray, Colorado, [sic] district, we have decided to discontinue all operations in this territory and are disposing of all equipment and properties as fast as possible."

In 1955, it was reported that the mill and mining equipment had been sold pursuant to an Option and Conditional Sales Agreement dated June 1, 1955 with Magic Uranium Company, Inc., covering the sale of the Ouray Mine and Mill Site for a total price of \$75,000, payable in accordance with the terms set forth in the agreement. A copy of that agreement was not located.

Accordingly, the operations conducted in the District by American Zinc were primarily exploration development work and, as this work did not discover new commercial ore reserves, all operations in the District were rapidly discontinued.

Corporate History and Historic Documents

By way of a general response, Blue Tee provides the following corporate history admitting that it is the corporate successor to American Zinc.

In 1966, American Zinc merged with a number of its subsidiaries and the surviving corporation changed its name to the American Zinc Company. In 1972, the American Zinc Company was renamed Azcon Corporation. Azcon Corporation was renamed Gold Fields American Industries, Inc. in 1983. In 1986, Blue Tee Acquisition Corp. merged with and into Gold Fields American Industries, Inc. (GFAI) and changed its name to Blue Tee Corp. In 1995, Blue Tee Corp., a Maine corporation, merged with and into Blue Tee Corp., a Delaware corporation.

To the best of Blue Tee's knowledge and belief, it has never had care, custody, or control of any document containing information sought by the Request. Prior to 1996, archived and historic documents belonging to predecessors of Blue Tee were housed in Golden, CO. In approximately 1996, the documents were moved to Pittsburgh, PA where they were housed over a period of five to six years in approximately three different locations. During the course of the various moves of these documents, numerous boxes of documents were lost or misplaced. In 2002, the documents were moved to 1 North Maple Avenue, Greensburg, PA 15601. Since that time, and until October 2016, Terrance Gileo Faye, was the custodian of the records.

In October 2016 all documents were transferred to The Peabody Energy Corporation (PEC) under the custody of Jennifer Mumper. The documents were housed in St. Louis, MO during bankruptcy proceedings initiated by PEC and Gold Fields Mining, LLC (Gold Fields). Based on information provided by Jennifer Mumper, upon completion of the bankruptcy proceedings, the custody of the documents was transferred to a governmental trust under the direction of Scott Rinaldi, Trustee. Mr. Rinaldi is employed by Ankura, Inc. Attempts were made to contact Mr. Rinaldi, by phone and e-mail, to obtain access to additional documents, but no response was received.

In responding to this Information Request, Terrance Gileo Faye searched for and reviewed archived, historic documents remaining in her possession, including, but not limited to, electronically retained documents, and American Zinc Annual Reports. Additionally, the Ouray Response was reviewed. Please refer to the Ouray Response for documents referenced herein, but not produced.

Specific Questions:

For your convenience in reviewing this Response, the text of each specific information request has been placed above the response. In addition, in this Response, Blue Tee utilizes those definitions of certain words and terms set forth in the Information Request at pages 2-3.

1. Identify the person(s) answering these questions by providing their name, address, and telephone number.

Terrance Gileo Faye, Esq.

1 N. Maple Avenue

Greensburg, PA 15601

Phone: 724-837-6221 Cell: 724-875-2269

2. Identify the person(s) whom you wish to receive all further communications from the EPA related to the District.

Kathleen Whitby, Esq.

Spencer Fane, LLP

1 North Brentwood Boulevard

Suite 1000

St. Louis, MO 63105

Phone: 314-869-7733

3. For each and every question contained herein, identify all persons consulted in the preparation of the answer.

Terrance Gileo Faye, Esq.

1 N. Maple Avenue

Greensburg, PA 15601

Phone: 724-837-6221

Cell: 724-875-2269

Gary Uphoff

Environmental Management, Inc.

5934 Nicklaus Drive

Fort Collins, CO 80528

Phone: 970-255-6400

4. For each and every question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question, and provide accurate copies of all such documents.

Please refer to the General Response.

- 5. Describe all property interests that Respondent currently owns or has previously owned at the District, including the following information. To the extent the information requested below is provided in deeds or other documents submitted with your response to this Request, you need not include the information in your narrative response.
 - a. Provide the legal description of properties owned;

- b. Describe the nature of the interest Respondent own(ed), (i.e. surface, mineral, surface and mineral, fractional ownership, fee title, leasehold, option to buy);
- c. Identify the entity from which Respondent acquired the interest and the date Respondent acquired it;
- d. If Respondent has sold, or in any manner transferred property at the District, identify the person to whom Respondent sold or transferred property, describe the property sold or transferred, and provide the date of the sale or transfer;
- e. If Respondent owns a fractional interest in any property at the District, describe what portion Respondent owns and identify the other owners of the property;
- f. Please provide copies of all deeds or other conveying instruments by which Respondent acquired or transferred title to property at the District.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No maps, deeds, leases or conveying instruments were located.

6. *If Respondent leased the property, provide copies of all lease agreements.*

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No lease agreements were located.

- 7. Describe and provide all documentation related to mining or mineral processing activities the Respondent has conducted or is conducting at the District, including, but not limited to, excavation, grading, filling, drilling, reworking, milling or other earth moving. These descriptions should include the following:
 - a. The dates of operation;
 - b. The location within the District where the mining activities were conducted;
 - *c. The individuals and/or entities responsible for such activities;*
 - d. The physical changes made to the District;
 - e. The mining or mineral processing activity conducted at the District, including, but not limited to, exploration activities;
 - f. Other entities the Respondent partnered with to perform mining or mineral processing activities at the District;
 - g. The activities taken upon cessation of mining or mineral processing activities at the District related to reclamation and restoration.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response.

8. Describe all waste materials produced or resulting from Respondent's operation at the District, including, but not limited to, waste rock, tailings, spent ore, and treatment plant sludges. State the quantities produced of each such waste. Describe where each such waste was

disposed. Identify any hazardous substances contained in such wastes and provide copies of any and all documents that describe any analysis of such wastes and the results of the analysis.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No other information was located. However, based on reasonable information previously submitted to the U.S Environmental Protection Agency (EPA) regarding the Ouray Site (SSID #08-PQ), any ores mined, would have been hauled to the Ouray Mill, processed there and the waste associated with the milling would have been disposed of near the Ouray Mill. All wastes associated with the Ouray Mill were remediated with activities conducted in accordance with the Administrative Settlement Agreement, Docket No. CERCLA-08-2013-0004 for the American Lead & Zinc Mill Site, Ouray, Colorado.

- 9. Describe and, where available, provide maps and construction drawings that depict the physical characteristics of the District and all changes that Respondent or its contractors made at the District, including, but not limited to, the following:
 - a. Surface structures (e.g., buildings, tanks, etc.);
 - b. Exploration drill holes, groundwater wells, including drilling logs;
 - c. Underground storage tanks;
 - d. Any and all additions, demolitions, or changes of any kind to physical structures on, under, or about the District, or to the property itself (e.g., excavation work). State the dates on which such changes occurred;
 - e. Ore repositories, heap leach pads, and mine waste impoundments;
 - f. Shafts, adits and tunnels or other excavation;
 - g. Roads.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No maps or construction drawings were located.

10. Identify companies or individuals that Respondent hired to perform work at the District. Provide all documentation, including contracts, pertaining to this work. Include information about the purpose of, and documentation related to, Respondent's contracts at the District.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No contracts were located.

- 11. For each and every prior owner, operator, lessor, or lessee of any portion of the District known to you:
 - a. Identify the person (provide name, current address, and phone number) and the nature of their business operations at the District;
 - b. Describe the portion of the District that was owned, operated or leased by each person identified above, and give the dates during which they owned, operated or leased a portion of the District;
 - c. Provide copies of all documents that evidence or relate to such operation or lease, including, but not limited to, purchase and sales agreements, leases, etc.; and,

d. Provide all evidence that hazardous materials were released or threatened to be released at the District during the period they owned, operated or leased a portion of the District.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No information regarding prior owners, operators, lessors or lessees was located.

- 12. Describe Blue Tee's corporate relationship with the following:
 - a. AZLSC;
 - b. Gold Fields American Corporation;
 - c. Gold Fields American Industries, Inc.;
 - d. Gold Fields Mining Corporation;
 - e. Consolidated Gold Fields;
 - f. Hanson PLC;
 - g. Gold Fields Mining, LLC;
 - h. Global Energy Finance, LLC

Provide copies of all documents related to each relationship, including, but not limited to, articles of incorporations, merger agreements, partnerships, purchase agreements, property transfer documents, indemnification agreements, assumptions of liability, and records of dissolutions.

Blue Tee is a corporate successor to GFAI, which in turn was a corporate successor to American Zinc. Gold Fields American Corporation (GFAC) formerly was the parent corporation of GFAI, and later evolved into Global Energy Finance, LLC. Consolidated Gold Fields (CGF) at one time was the parent corporation of GFAC and Hanson PLC acquired CGF in 1989. Blue Tee has no corporate relationship with Gold Fields Mining Corporation and Gold Fields. Further information and documents concerning the above have been provided to EPA and the United States Department of Justice (DOJ) in connection with Section 104 (e) requests relating to other sites. The principal contact persons in connection with that information are Bob Roberts at EPA and David Dain at DOJ.

13. Identify all persons who may be responsible for Blue Tee's liabilities arising from, or relating to, the release or threatened release of hazardous substances at the District, including, but not limited to, successors and individuals.

Through a series of agreements dating from 1985 through 2011, PEC, Gold Fields and their predecessors agreed to assume all responsibility for, and manage and pay for in the first instance, environmental liabilities asserted against Blue Tee and they performed those obligations until PEC and Gold Fields commenced bankruptcy proceedings in 2016. Further information and documents concerning the above have been provided to EPA and DOJ in connection with Section 104 (e) requests relating to other sites. The principal contact persons in connection with that information are Bob Roberts at EPA and David Dain at DOJ.

14. Provide copies of all documents regarding environmental conditions at the District, including, but not limited to, any sampling information, solid and hazardous waste management plans, and any known releases of hazardous substances.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No additional documents regarding environmental conditions at the District were located.

15. Provide copies of any and all permits issued by State or Federal agencies related to Respondent's operations at the District, including permits Respondent obtained on behalf of any other entities.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No permits were located.

16. Provide all existing technical or analytical information in your possession about the District, including, but not limited to, data and documents related to soil, water (ground or surface), geology, geohydrology, or air quality on and about the District.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No technical or analytical information was located.

17. Provide all information, including documents related to Respondent's efforts to conduct response action work at the District. Identify the individual (s) responsible for such effort and the activities undertaken, if any, related to the reclamation.

Please see the General Response. Copies of the relevant, redacted Annual Reports are included with this Response. No additional information was located.

18. Provide copies of all casualty, liability, and/or pollution insurance policies issued to Respondent, including, but not limited to, comprehensive general liability, primary, umbrella, and excess policies, as well as any environmental impairment liability or pollution legal liability insurance that may have provided coverage during the time of Respondent's ownership, leasing, and/or operations at the District.

All potentially available insurance coverage has been exhausted through settlements reached during the course of the PRC/Gold Fields bankruptcy proceedings or prior thereto. Further information and documents concerning the above have been provided to EPA and DOJ in connection with Section 104 (e) requests relating to other sites. The principal contact persons in connection with that information are Bob Roberts at EPA and David Dain at DOJ.

19. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

There are no known surviving employees of American Zinc or other individuals that could provide more detailed or complete responses to any question concerning operations in the District.

Conclusion

If additional information or documents responsive to this Request become known or available to Respondent after this submission, Respondent will supplement this Response within thirty (30) days of discovering such responsive information. Additionally, if after submitting this Response, Respondent discovers or believes that any portion of this submission is false or misrepresents the truth, Respondent will notify you of this fact as soon as possible and provide you with a corrected Response.

If you have any questions concerning this Response, please do not hesitate to contact me at the address and/or phone number listed above or at the above-referenced e-mail address.

Sincerely.

Terrance Gileo Faye. Esq.

For Blue Tee Corp.

TGF/ega

NOTARIZED CERTIFICATE

I. TERICANCE FAYEhaving been duly sworn and being of legal age, hereby state:

- 1. I am the person authorized by Blue Tee Corporation to respond to the Environmental Protection Agency's request for information concerning the Bonita Peak Mining District Site, San Juan County, Colorado, A8-5M.
- 2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
- 3. I hereby certify that the attached response to the EPA's request is complete and contains all information and documents responsive to the request.

Hrrance Giler F.	age
TEARANCE GILEO (Name)	FAYE
ATTORNEY (Title)	

(SEAL)

Subscribed and sworn to me	this Isul day of January	.201 <i>7</i> .
Notary Public	NOTARIAL SEAL Lynne L. Bertek, Notery Public	
My Commission Expires	City of Greensburg, Westmaneland County My commission expires bely 15, 2018	
My address is 3 8) M	aple Que.	
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PRELIMINARY COMPILATION MINING PROPERTIES IN THE UNITED STATES OPERATED BY COMPANIES CONTROLLED BY CONSOLIDATED GOLD FIELDS, LIMITED

Prepared By:

Daniel R. Stewart Mining Geologist

Rt. 1, Box 158 Webb City, Missouri 64870

American Zinc, Lead & Smelting Company (Continued)

3. Colorado Mining Operations

County	Hine	District	Equity	Operating Years	Notes
San Juan	Koehler-San Antonio	Red Mountain	100	1946-1948	<u>2</u> /

TOTAL OPERATIONS

2/ - During early 1946, the American Zinc, Lead & Smelting Company acquired several blocks of mining claims and a mill in the Ouray district. After improving the mill and completing development work, the

Roehler-San Antonio,

properties were operated between the years
1946 and 1949, after which time, the mill was operated
on a custom basis for others, with the mining properties
being leased to small producers.

Annual Report

of the

American Zinc, Lead and Smelting Company

for the year ended

property and the

December 31, 1946

1946

COLORADO OPERATIONS

We have acquired several promising mining claims and a milling operation in the Ouray District. Expansion and improvement in mill were in progress during the last half of the year and will be completed and placed in operation during the second quarter of 1947.

Underground development made satisfactory progress but the tonnage of ore actually mined and milled was very small. The operating results of this property for the year show a loss of \$70,882.99.

When completed the mill will have a capacity of approximately 200 tons daily which will be adequate to take care of the company mine production and such tonnage of custom ore as is available from the surrounding properties.



of

AMERICAN ZINC, LEAD AND SMELTING COMPANY

leastern to be

Por the Year Ended DECEMBER 11 1947

OPERATIONS

Mining

Mining activity in Colorado consisted largely of exploratory development and the completion of construction of our custom mill, which has a capacity of 200 tons daily. The results of the development work, thus far, have not come up to our expectations. All expenditures on mining, development, and mill operations have been charged to current operations.

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ANNUAL REPORT

OF

AMERICAN ZINC

LEAD AND

SMELTING COMPANY

OR THE YEAR ENDING

ECEMBER STE 1948



50th Anniversary

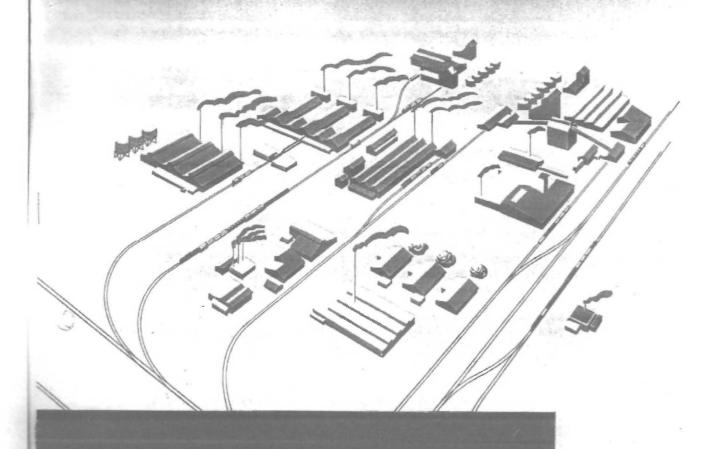
Mining activity in Colorado consisted principally of exploration development. The custom mill was operated, treating all custom ores and ores produced from company mines that were available. The mill was not operated at capacity. Our development results in this territory to date have been disappointing.

ANNUAL REPORT 1949

MERICAN ZINC, LEAD AND SMELTING COMPANY

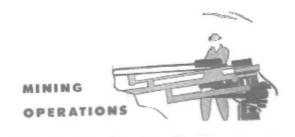


Search for ores in the Ouray, Colorado, district failed to disclose any substantial tonnage of commercial ore. We are continuing to operate a custom mill. Our development program has been materially reduced.



Annual Report 1950

MERICAN ZINC, LEAD AND SMELTING COMPANY



Activity in the Ouray, Colorado, district has failed to disclose any substantial tonnages of commercial ore. However, we have continued to operate the custom mill. Development activities will again be resumed during the second quarter of 1951. embrets are Annual Other Mining and Development

Development and prospecting activities have been continued in the Ouray, Colorado, district where the company owns and operates a custom mill producing lead and zinc concentrates. There was no new discovery of importance made during the year.

Annual Report 1952

MERICAN ZINC LEAD

THE TOTAL STREET

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MARIE >

CORE LOS

Due to prevailing low metal prices and failure to develop new ore reserves in the Ouray, Colorado, district, we have decided to discontinue all operations in this territory and are disposing of all equipment and properties as fast as possible.